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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
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11 TAMARION WILLIAMS, ) No. EDCV 22-1970-MEMF (JPR)  
12 )  
13 Petitioner, ) **ORDER ACCEPTING MAGISTRATE**  
14 ) **JUDGE'S REPORT AND RECOMMENDATION**  
15 v. )  
16 N.T. McKINNEY, Warden )  
17 )  
18 Respondent. )  
19 \_\_\_\_\_ )  
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21 Pursuant to 28 U.S.C. § 636, the Court has reviewed the  
22 Petition, the other records on file herein, and the Magistrate  
23 Judge's Report and Recommendation. The Court accepts the  
24 findings and recommendations of the Magistrate Judge.

25 With respect to the Magistrate Judge's finding that  
26 Petitioner has presented no evidence in support of his claims,  
27 including those concerning exhaustion, Report at 4, the Court  
28 adds that it does not consider the factual assertions in the  
Petition Attachment to be made under penalty of perjury not only  
because Williams "did not sign the attachment or swear to the  
truth of its statements," Report at 4, but also because the  
Attachment was explicitly prepared by someone else other than  
Petitioner-namely Sacorey Clark. The fact that the Attachment was

1 prepared by someone else other than Petitioner provides an  
2 additional reason why the Court cannot consider it to be evidence  
3 in the absence of a signature under penalty of perjury by the  
4 Petitioner.


5 ACCORDINGLY, IT IS ORDERED THAT:

6 1. Respondent's motion to dismiss is granted and the  
7 Petition is dismissed without prejudice.

8 2. Judgment be entered consistent with this order.

9 3. The clerk serve this Order and the Judgment on all  
10 counsel or parties of record.

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13 DATED: September 26, 2023

  
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MAAME EWUSI-MENSAH FRIMPONG  
U.S. DISTRICT JUDGE